



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR MAY 3, 2024

Present: Councilor Christen Sacco; Councilor Cyndy Hillier; Councilor Octavio Gonzalez

Call to Order

Interim Chair Sacco called the meeting to order at 10:00a.m.

Councilor Gonzalez joined the meeting at 10:02a.m.

Approval of April 5, 2024 Meeting Minutes

Chair Sacco requested whether Subcommittee members had reviewed the draft minutes and whether any changes needed to be made before entertaining a motion to approve. Councilor Hillier stated that as the Subcommittee did not recite the Pledge of Allegiance, reference to doing so should be stricken. As there was no opposition to correcting the record, the Subcommittee approved the April 5, 2024 minutes as revised.

Review and Discussion of Proposed Rule Amendments

The City Attorney stated that the proposed revisions to the Rules were based upon the Subcommittee's discussions surrounding the City Attorney's April 1 Memo and other proposed revisions forwarded by the Subcommittee at the April 5 meeting. The City Attorney then detailed the five (5) major proposed amendments to the Rules, which the Subcommittee then discussed.

I. Amendment I- Rules 8B (1-4) and 5D(6)- Decorum

The City Attorney explained that the proposed revisions to the Rules regarding Council decorum contain several key additions, including: 1) setting out the appeal procedure required for a Member of Council to appeal decisions regarding decorum and points of order made by the Presiding Officer; 2) expanding the specific rules of decorum Members of Council are to be bound by to include not engaging in personal attacks or belittling or intimidating other Members of Council during meetings; 3) adding a provision setting forth how a Member of Council can raise a "personal point of privilege" if the member is personally offended by the actions or remarks of another Member of Council and 4) including a general statement detailing Council's goal of working together to benefit the City and its community members. Councilor Gonzales initially expressed concern over the point of personal privilege revision, specifically the potential of abusing the privilege to eliminate unpopular/undesired points of view. After debate, the Subcommittee decided to leave proposed Rule 8B(4) as-is, noting that i) it must be read in conjunction with the purpose of Rule 8B in its entirety and ii) allowing a Member of Council to speak to a point of personal privilege will work to address issues between members early before they become bigger problems.

The City Attorney also detailed the changes in the decorum rules as they pertain to members of the public. The proposed revisions strike references to specific types of conduct (e.g., clap, cheer, hoot, holler, gesture) and replace them with a requirement that precludes members of the public

from taking any action that results in an actual disruption of a Council meeting. Any person causing an actual disruption may be requested to leave the meeting. These changes will allow the Presiding Officer to exercise control of Council meetings while ensuring any restrictions placed on a person's speech falls within federal and state constitutional parameters. In addition, the Rules specify that the Presiding Officer may request that a person be arrested for disorderly conduct if an actual disruption threatens the safety and security of the public. After review, the Subcommittee determined that the proposed revisions were acceptable.

II. Amendment 2- Rule 5A(1)- Wording of Motions

The Subcommittee discussed the possibility of amending the rule to clarify its intent, which currently states that "All motions must be distinctly worded." The City Attorney discussed the proposed revision, which states that "The Presiding Officer shall ensure that the wording of motions are clear and concise." He noted that the clarified language was taken from Robert's Rules of Order regarding motions, and stated that Robert's Rules of Order, 11th edition, guide the procedure for Council meetings unless otherwise provided by the Rules, Charter or ordinance. After some discussion amongst the Subcommittee as to whether even more clarity was necessary, the Subcommittee determined that the proposed revision was acceptable.

III. Amendment 3- Rule 2H- Attendance at Meetings

The Subcommittee requested that the City Attorney draft revisions to Rule 2H, which would allow Members of Council to attend Council meetings virtually under certain circumstances. While the draft revision does not change the Council's preference for in-person attendance, Members of Council will be free to attend virtually if personal circumstances require. Per the revisions, Members of Council needing to attend virtually should, whenever possible, provide ample notice to the Presiding Officer, Manager and Deputy City Recorder and keep their camera turned on if attending virtually with video capabilities. After discussion, the Subcommittee determined that the proposed revisions to Rules 2H(3)-(4) were acceptable.

IV. Amendment 4- Rule 12-Travel Policy

The Subcommittee directed the City Attorney to draft revisions to the travel policy to account for Councilor comfort and personal travel needs. Currently, the City pays for roundtrip coach airfare, and Members of Council are expected to book the least expensive airfare. The proposed revisions do not change these general requirements, but do permit Members of Council to book a premium economy class seat if i) personal circumstances require or ii) for any flight over two hours long. The City Attorney explained that "premium economy class" is a term of art in the airlines industry, and is considered a subset of economy/coach class- but typically provides wider seats and/or more legroom for passengers. As before, Members of Council booking business or first-class fares will still be responsible for paying the difference between those rates and the City-paid airfare. The Subcommittee was satisfied with the proposed revisions to the travel policy.

V. Amendment 5- Rule 8A- Ethics

Rule 8A(2)(d) prohibits Members of Council from conducting themselves in manner so as to bring discredit upon the government of the City. At the April 5, 2024 Subcommittee meeting, the City Attorney explained that Rule 8A(2)(d) may need to be revised- as the term "discredit" appeared to

be vague. After further review, the City Attorney stated that the phrase appeared to be taken directly from the League of Oregon Cities Model Rules of Procedure for Council Meetings. In addition, the City Attorney explained that the Rule's broad scope would allow the Council to take action to protect the integrity of the City and/or Council, even if a member's actions/conduct did not rise to an actual violation of Oregon Ethics law. Pursuant to Rule 10, a Member of Council accused of violating the Rule would be afforded due process before being disciplined. After discussion, the Subcommittee agreed that this language should remain unchanged.

As directed by the Subcommittee, the City Attorney forwarded a proposed revision to Rule 8A (new Rule 8A(4)), which will require Members of Council to attend regular ethics training. The revision states that members attend or view a training prepared by OGEC or the City Attorney at least once during the member's term of office. The City Attorney explained that HB 2805(2023) will require Members of Council to attend or view a training prepared by OGEC covering the Oregon Public Meetings Law, and this addition will work to ensure each Member of Council also receives valuable training on applicable ethics laws. After discussion, the Subcommittee found this addition to Rule 8A acceptable.

Next Subcommittee Meeting

The Subcommittee set its next meeting for May 17, 2024 from 8-9 a.m., which will be held online via Zoom.

Adjournment

Chair Sacco adjourned the meeting at 11:06 a.m.

Sherilyn Lombos, City Manager

_____ / Kevin McConnell, Recording Secretary

_____ / Christen Sacco, Chair